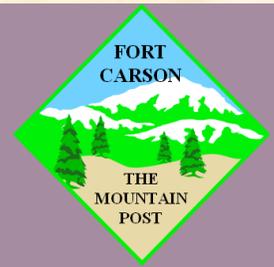




EEO Focus



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News You Can Use

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NSPS Transition Office Releases Transition Guidance and NSPS Transition Simulator

The NSPS Transition Office has finalized Chapters 1 through 4 and Chapter 6 (FAQ) of the *NSPS to GS Transition Guide* for transitioning employees from NSPS to the General Schedule (GS) System. The chapters cover the following guidance and rules for the NSPS transition:

- Chapter 1: NSPS to GS General Transition Information
 - Chapter 2: NSPS to GS Classification
 - Chapter 3: NSPS to GS Pay Upon Transition
 - Chapter 4: NSPS to GS—Staffing
 - Chapter 5: Performance Management
- will be published and released within the coming weeks. The NSPS Transition Office has also developed a new calculator, the NSPS Transition Simulator, to help employees understand the

NSPS to GS transition process. The NSPS employee enters information about his or her current position, including current NSPS pay band, pay schedule, base salary (not including locality pay) and presumed GS grade level. Based on data entered, the NSPS Transition Simulator identifies the step and pay for the presumed grade.

NOTE: It is recommended that employees speak to a supervisor or manager before using the simulator to assure the grade level entered accurately reflects the duties and responsibilities assigned. It is important to note, information provided by NSPS Transition Simulator is based upon a presumed grade level. The Transition Simulator

cannot be used as an official tool to determine assigned grade level upon transition to GS. Official transition information will be provided by the supervisor, manager or HR practitioner at the time of transition. To use the NSPS Transition Simulator, go to: http://www.cpms.osd.mil/nsps/transition_simulator2010.html

NSPS Transition Office Launches Two Web-Based Training Courses

The NSPS Transition Office has developed two web-based training courses to support employees during the transition. Just visit the NSPS website and scroll (Article con't on page 3)



Discover, Develop and Deploy

Leading is establishing direction and influencing others to follow that direction. Webster's dictionary defines these three words: Discover- "to notice or realize," Develop- "to cause to grow or expand," Deploy- "to arrange in a position of readiness."

Discover, Develop, and Deploy those employees with untapped abilities that sit quietly within your organization awaiting recognition.

Talent sits silently waiting to be recognized by leaders who possess the power to influence its direction. In an unstable economy like we are experiencing, your employees need to know that you value their skills and will lead them through the uncertainty. Faye Wattleton sums it up best "The only safe ship in a storm is leadership."

Leadership is an important quality found within managers, supervi-

sors and directors. Leaders are those who use their power of influence to discover, develop and deploy employees to meet future needs. I challenge you as Great Leaders to use your power of influence to discover, develop and deploy the talent within your employees. The talent is among us just waiting for the opportunity to shine.

By: Lashunda Blevins,
EEO Specialist

If I have seen farther than others, it is because I was standing on the shoulders of Giants. Issac Newton

EEOC Complaint Decisions with Findings of Discrimination: Learning From Others....

Below are some EEO complaints that were not settled at the lowest level. These complaints found themselves before an Administrative Judge (AJ) at the Equal Employment Opportunity Commission, who ultimately found the agency liable of discrimination.

Age-Based Harassment

Complainant alleged, among other things, that he was discriminated against on the basis of his age (57) when he was harassed and issued a Letter of Reprimand, in part for not reporting for a detail. The Commission found that the responsible management official (RMO) made age-related comments so severe as to constitute direct evidence of age-based harassment. These comments, which the RMO made to various officials included: "You know I can't have that old fart, he just drives me nuts"; "...but I'm going to have another chance"; he was "going to get that old man, and get him out of government"; and "I don't know why [complainant] just doesn't retire, he needs to retire." The Commission ordered the agency to expunge the Letter of Reprimand, and provide EEO training to this responsible agency official. *John D. Wahnee v. Department of the Interior*, EEOC Appeal No. 0120055072 (May 7, 2008).

Hostile Work Environment:

Removal The Commission found that complainant had been subjected to a hostile work environment on a continuing basis over a three-year period because of his national origin (Mexican-American), and that the harassment culminated in his removal.

The record, including statements of various employees, showed that a supervisor frequently used various slurs toward complainant, and displayed obvious dislike of Hispanic employees. The Commission found that the supervisor's conduct was unwelcome, and was sufficiently severe and pervasive to alter complainant's work environment. In fact, the Commission noted that the harassment was so pervasive that the agency should have had constructive knowledge of the conduct. Finally, complainant was subjected to a tangible employment action when he was terminated. The agency was ordered to offer complainant reinstatement to his position, remove all references to his removal from his personnel records, provide a back pay award, determine complainant's entitlement to compensatory damages, and provide training for the responsible management officials. *Daniel Padilla v. United States Postal Service*, EEOC Appeal No. 0120063761 (April 8, 2008).

Sexual Harassment: Agency

Liability The Commission found that complainant was subjected to sexual harassment in the form of inappropriate verbal comments and physical contact, and that liability could be imputed to the agency because it failed to prove that it exercised reasonable care. The agency was placed on notice of the abuse as early as 2001, when complainant informed several managers that she believed she was being "abused" and blocked from leaving her unit. The Commission also found that the agency failed to act

promptly and effectively, in that its investigations into the sexual harassment claims were still ongoing in 2005, that is, two years after the incidents at issue. As relief, the Commission ordered the agency to consider disciplinary action against the responsible official, conduct training, and pay proven compensatory damages and attorney's fees. *Elizabeth Thompson v. United States Postal Service*, EEOC Appeal No. 0120060791 (January 16, 2008).

National Origin Harassment

The Commission found that complainant was subjected to harassment because of his national origin (Filipino). Specifically, a co-worker addressed complainant using derogatory language and profanity. In addition, two supervisors treated complainant rudely and disrespectfully, and repeatedly gave him "documented discussions." The Commission noted that the evidence established that the harassment resulted in considerable mental distress to complainant. Further, the Commission found the agency liable for the conduct of the supervisors. In this case, complainant was ultimately removed from the agency. Further, while the agency was placed on notice of the harassment when complainant reported the incidents to upper-level management, the agency failed to show that it exercised reasonable care to prevent and promptly correct the harassing behavior. The agency was ordered to offer complainant reinstatement to his position, with back pay, and pay him \$5,000.00 in compensatory damages. *Romulo E. Arcinue v. Department of the Navy*, EEOC Request No. 0520051034 (April 15, 2008).

What is Good Data Documentation?

The data document request is a time-sensitive opportunity for you to create the record which we need to make in order to defend the agency's actions in a civil rights complaint. The request comes through the EEO Office, but it is from the DoD Office which will investigate a complainant's civil rights allegations. The investigator will create a record in two phases. First, documents are gathered. Once documents are assembled, the same agency comes here to take eyewitness testimony under oath. Together, the documents and the testimony constitute the record by which the agency's actions will be assessed. Therefore it is very important to be timely and complete. At the complainant's option, the Army may even make a decision on the record alone—without any future hearing or other opportunity to explain your position. Therefore, it is critical that you take full advantage of this opportunity to assemble and provide the evidence which will paint

an accurate and true picture of the circumstances and actions which are being challenged. You may not understand why many of the documents are requested, and sometimes the documents don't really seem to help explain your particular case. Rest assured the documents are necessary to establish certain background, baseline circumstances. Additionally, we just have to do it. The Army is committed to neutral, independent investigations, and that means we provide the investigator what they are asking for. Finally, the path to an EEOC administrative judge can take 18 months. Documents get filed away, e-mails disappear in computer upgrades, and witnesses move away. The record we establish now may be the only record that remains someday. This can be a daunting task. Someone in your department needs to stay way ahead of the indicated deadline and work closely with the EEO office to assemble the response. I recommend naming an action officer

to act as the primary point of contact on this who will work the matter through to completion. Often, the EEO Office has important observations about the proposed response, so avoid the frantic, last minute rush by staying ahead and asking advice where necessary. The data request is a huge task, but it is our opportunity to get ALL helpful documents into the record. If you would like a document in the record and the document is reasonably responsive to any part of the request, then send it in. If there are documents that should be seen, but are not asked for in this request, then assemble them in a separate file for the agency representative, and we will get them in at the second phase of the investigation, the fact finding conference, in about 4-12 weeks.

*Bill Hennessy,
Fort Carson
Labor Counselor*

NSPS Transition Office Releases Transition Guidance and NSPS Transition Simulator

down to these classes and click on the live link. While the courses address the various responsibilities of managers and supervisors, the content is useful for all employees to help them prepare for the transition and gain a level of comfort regarding classification and performance management processes. Courses are described as follows:

Classifying Positions under GS: A Primer for Supervisors describes how positions are classified in the General Schedule

(GS). The course covers supervisory roles and responsibilities associated with conversion from NSPS to GS, providing information via four unique lessons: Classification in Context; Introduction to GS Classification; Writing a Position Description; and Addressing Special Situations.

Performance Management: A Tool to Achieve Results provides techniques for conducting performance conversations; methods for setting clear performance goals; practical tips for creating a culture

of giving and receiving feedback; steps for rating performance; and ideas for rewarding individual and team performance.

Reprinted from: <http://www.cpms.osd.mil/nsps/>

*"Inventories can be managed, but people must be led."
H. Ross Perot*

What have you been reading lately?

When the inbox is overflowing and meetings keep you away from your desk, it's a challenge to find the time for professional reading. Then when you finally find a quiet moment, you realize you don't have a good book lined up. Here are a few recommendations to put on your spring/summer reading list. Treat yourself – you know this is a great investment in your career – the habits of reading and reflection are sure to serve you well.

Peaks & Valleys: Making Good and Bad Times Work for You –at Work and in Life by Spencer Johnson (March 2009). According to Barnes and Noble, “Spencer Johnson, the coauthor of the megabestselling business fables *Who Moved My Cheese?* and *The One-Minute Manager*, now delivers an all-purpose parable ready-made for hard times. This deceptively simple story introduces us to a young

man who learns a valuable lesson from a wise older man who has mastered the art of transcending life's numerous peaks and valleys. One hundred and twelve pages that can leave a lifelong imprint. “**Linchpin: Are you indispensable?**” by Seth Godin (Jan 2010). Penguin Group is looking to change the tide in business books with this new comer. The author notes there used to be two teams in every workplace: management and labor. Now there's a third team, the linchpins. These people invent, lead (regardless of title), connect others, make things happen, and create order out of chaos. They figure out what to do when there's no rule book. They delight and challenge their customers and peers. They love their work, pour their best selves into it, and turn each day into a kind of art. Is this you?

QBQ! The Question Behind the Question: Practicing Personal Accountability in Work & Life by John G. Miller (Sep 2004). Every work team has an unhealthy share of Monday morning quarterbacks. As whispered accusations of “you dropped the ball” accumulate, progress is stifled and cooperation wanes. John G. Miller thinks that personal accountability is the answer to pervasive blame-game problems. In this succinct book, he explains how managers and workers can create a business culture in which everybody walks their talk.

Soar With Your Strengths by Donald Clifton and Paula Nelson (Dec 1995). This is a favorite of mine I come back to time and again. The concept is quite simple yet insightful – stop wasting precious resources on what you don't do well and instead concentrate and improve upon your

strengths. The authors clearly show that excellence can be achieved by “focusing on strengths and managing weaknesses, not through the elimination of weaknesses.”

Getting to Yes: Negotiating Agreement Without Giving In by Fischer, Ury, and Patton (Jan 1981). This is THE standard guide for conflict resolution. The publishers sum it up best: “*Getting to Yes*” is a straightforward, universally applicable method for negotiating personal and professional disputes without getting taken - - and without getting angry. It offers a concise, step-by-step, proven strategy for coming to mutually acceptable agreements in every sort of conflict -- whether it involves parents and children, neighbors, bosses and employees, customers or corporations, tenants or diplomats.”

Happy Reading,
Tami Gale, EEO Manager

Mandatory EEO Training for Fiscal Year 2010

The EEO Office provides training in EEO and the prevention of workplace harassment. Seminars are also offered for managers and supervisors regarding their EEO responsibilities and accommodating disabilities in the workplace. Prevention of Workplace Harassment is required for 100% of civilian employees annually. EEO for Managers & Supervisors is also an annual requirement. Every two years all civilian employees and managers of

civilian employees are required to complete the online NO FEAR Act Training. Department of Army employees will take this during Fiscal Year 2010. The EEO Office offers Anti Harassment classes online or at the McMahon Theater for your convenience. To access the online version of the class, go to: <https://lms.carson.army.mil/>. Training at the theater will be on 4 May and 11 August. Three sessions are offered each day: 0800; 1000; and

1300. EEO for Managers & Supervisors is also offered at McMahon Theater on 4 May and 11 August at 0900, 1100, and 1400. Additionally, on 3 June and 2 September, the course will be offered in Building 1118, Room 219. NO FEAR Act Training is only offered online at: <https://lms.carson.army.mil/>. This course ensures employees understand their rights and remedies under federal anti-discrimination

and whistleblower protection laws. The EEO Office also recommends to managers the Understanding Reasonable Accommodation seminar. It is offered on 3 June and 2 September at 1300 in building 1118, room 219. For information on training and other resources available from the EEO Office please give us a call at 526-4413.